IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 25281 of 2006(I)

PETITIONER:

C.J. AKBAR SHA, S/O. JAMAL,
CHINGANADI HOUSE, WARRIAM LANE,
PATTUPURACKAL DESOM, TRICHUR.

BY ADV. SRI.M.RAMESH CHANDER
SRI.P.K.ANIL

RESPONDENTS:

---

1. STATE OF KERALA, REP. BY THE
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, TRICHUR.

4. THE REVENUE DIVISIONAL OFFICER, TRICHUR.

5. PROF.ITTOOP MENACHERRY,
MENACHERRY VILLA, BEHIND INDOOR STADIUM,
CHEMBUKKAVU.

BY ADV. SRI.K.RAMAKUMAR
GOVERNMENT PLEADER SRI. P.K. BABY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, ALONG WITH WPC NO. 25717 OF 2006, THE COURT ON THE SAME DAY, DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS: W.P.C.NO. 25281/2006

EXT.P1 TRUE COPY OF OBJECTION DT. 11-4-2005.

EXT.P2 ORDER OF R3 DT. 23-12-2005.

EXT.P3 APPEAL DT. 16-2-2006.

EXT.P4 JUDGMENT IN W.P.C.7977/2006 DT. 17-3-2006.

EXT.P5 INTERIM ORDER IN W.A.792/2006 DT. 12-4-2006.

EXT.P6 COMPLAINT DT. 23-4-2006.

EXT.P6(A) ORDER IN C.C.C.895/2006.

EXT.P7 PROCEEDINGS DT. 24-8-2006.

[TRUE COPY]

P.S TO JUDGE.

S. Siri Jagan, J.

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

W.P(C). Nos. 25281& 25717 of 2006

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

Dated this, the 15th December, 2006.

J U D G M E N T

In W.P(C) No 25281/2006, the petitioner seeks a direction to respondents 1 to 4 to implement Ext. P7 order passed by the Land Revenue Commissioner, directing the 5th respondent therein to restore the land which has been filled by the 5th respondent without obtaining appropriate permission under the Land Utilisation Order. In W.P(C) No. 25717/2006, the 5th respondent in W.P(C) No. 25281/2006 challenges the very same order in which the petitioner in W.P(C) No. 25281/2006 seeks implementation. The contention of the petitioner in W.P(C) No. 25717/2006 is that he has filed a revision petition against the order passed by the Land Revenue Commissioner mentioned above under clause 14 of the Kerala Land Utilisation Order, 1967. He seeks a direction to the Government to dispose of Ext. P4 revision application submitted by him and also for a direction to maintain status quo in the meanwhile.

2. I have heard both sides in detail.

3. I find that along with the revision application filed by the petitioner in W.P(C) No. 25717/2006, he has also filed a stay petition for stay of further proceedings pursuant to the impugned order. Therefore, I am of opinion that it would be appropriate that the Government be directed to consider and pass orders on Ext. P4 revision application in accordance with law as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. The Government shall also pass orders on the stay petition submitted by the petitioner in W.P(C) No. 25717/2006 within two weeks from the date of receipt of a copy of this judgment. I make it clear that I have not addressed myself to the question as to whether Ext. P4 revision application is maintainable under Clause 14

of the Kerala Land Utilisation Order, or as to the merits of the contentions of the rival parties in these two writ petitions. It would be open to the Government to decide all these questions in accordance with law. I further direct that the petitioner in W.P(C) No. 25281/2006 also be afforded an opportunity of being heard while the Government disposes of Ext. P4 revision application and the stay application in addition to the revision petition. Till stay application is considered, status quo as on today shall be maintained.

The writ petitions are disposed of as above.

Sd/- S. Siri Jagan, Judge.

Tds/